

24. A composition wherein said composition is a topical composition comprising an ascorbic acid in an amount of about 0.01% to about 5% by weight of the composition, a tocopherol in an amount of about 0.01% to about 1% by weight of the composition and retinol in an amount of about 0.01% to about 0.4% by weight of the composition and N-acetylcysteine in an amount of about 0.01% to about 0.1% by weight of the composition.

Kindly cancel claim 15 without prejudice.

REMARKS

This Amendment Under 37 C.F.R. §1.116 is respectfully submitted in response to the Office Action rendered on January 28, 2003. It is timely submitted in view of the Petition for Extension of Time submitted concurrently herewith. Applicants respectfully request reconsideration of the rejections set forth in the Office Action in light of the foregoing amendments and the ensuing remarks.

The claims have been amended as follows: claims 7, 17, 19, and 22-24 have been amended to include the clause -- wherein said composition is a topical composition --. Basis for this amendment may be found in the Specification at page 6, l. 22-23. This amendment is being made in order to describe the embodiments of the compositions of this invention which relate to topical compositions, without prejudice to continuing to prosecute claims to compositions which relate to other embodiments of the invention. Claim 15 has been canceled without prejudice.

Claim 20 has been amended to include the phrase -- and a stabilizing effective amount -- in order to define this embodiment of the compositions of applicants' invention more clearly. Basis for this amendment may be found in the Specification at page 2, l. 27 through page 4, l. 3. Claim 20 has also been amended to remove reference to the term "derivatives".

Applicants gratefully acknowledge the removal of previous rejections under 35 U.S.C. §112, second paragraph and under 35 U.S.C. §102(b) in view of Malfroy-Camine et al., Bland and Cruz.

The Office Action of December 28, 2002 set forth several rejections. Claims 7 and 15 were rejected under 35 U.S.C. §112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regards as the invention.

The reasoning for the rejection of claim 7 was as follows: "a retinoid and one to three oxygen-labile species which also includes a retinoid are contained in the composition..." [Office Action of 12/28/02, p. 3. Claim 7 has been amended in order to clarify the description set forth in the claim. Applicants respectfully request reconsideration of this rejection in view of the foregoing amendment to the claim.

As claim 15 has been canceled, applicants respectfully submit that the rejection as to this claim is moot.

The Office Action of December 28, 2002 further rendered two rejections under 35 U.S.C. 102(a). Applicants respectfully request reconsideration of these rejections with respect to the amended claims in light of the ensuing discussion.

Claims 7, 15 and 17-24 were rejected under 35 U.S.C. 102(a) as being anticipated by Jiang et al. (J. Nutritional Biochemistry 9, 362-369 (July 1998)). The basis for this rejection was that:

Jiang et al. teach the synergistic effect of dehydroepiandrosterone (DHEA) and antioxidant nutrients to mice, where the antioxidant nutrients contain mixture of L-ascorbic acid...D- α -tocopherol...N-acetylcysteine...retinol...L-carnitine...and bioflavanoid...[Office Action, 12/28/02, p. 4]

Applicants respectfully request reconsideration of these rejections with respect to the amended claims and in light of the ensuing discussion.

Applicants have amended claims 7, 17, 19, 22, 23 and 24 to describe the embodiments of applicants' invention that relate to topical compositions. Jiang et al. relates to a dietary supplement. Nowhere does Jiang et al. suggest or describe compositions that may be applied topically to the skin. Claim 15 has been canceled without prejudice. In view of the foregoing, applicants respectfully request consideration of the claims as amended and reconsideration of the rejection under 35 U.S.C. §102(a) as to the embodiments described therein.


The Office Action of December 28, 2002 further rejected Claims 7 and 20 under 35 U.S.C. 102(a) as being anticipated by Fisher et al. (WO 98/55075) on the ground that "Fisher et al. teach a composition for ameliorating various effects of UV radiation comprising effective amounts of retinoid and

antioxidants such as ascorbic acid and N-acetylcysteine..." [Office Action, p. 5]. Applicants respectfully request reconsideration of the foregoing rejections with respect to the amended claims and in light of the ensuing discussion.

Fisher et al. relates to compositions and methods for inhibiting photoaging of human skin. While Fisher et al. mentions retinoids, ascorbic acid and N-acetylcysteine as potential MMP inhibitors, nowhere does it propose the compositions of applicants' invention wherein there is an amount of N-acetylcysteine effective to stabilize the oxygen-labile species in the composition. Even in claims 10 and 14 of Fisher et al., these compounds are merely invoked as entities that can serve as MMP inhibitors for human skin. Thus, Fisher et al. does not suggest or describe the compositions set forth in applicants' claims as amended. Applicants therefore respectfully request reconsideration of the rejections under 35 U.S.C. 102(a).

Applicants respectfully request reconsideration of the rejections set forth in the Office Action of December 28, 2002 in view of the foregoing amendments to the application and discussion. An early allowance is earnestly solicited.

Respectfully submitted,


Andrea L. Colby
Attorney for Applicants
Reg. No. 30,194

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-2792
May 28, 2003

APPENDIX - MARKED-UP COPY OF CLAIMS AS AMENDED

7. (Thrice Amended) A composition wherein said composition is a topical composition comprising therapeutically active amounts of a retinoid and from one to three oxygen-labile species selected from the group consisting of [a retinoid,] choleciferol, vitamin K, an ascorbic acid, a tocopherol; and a stabilizer compound comprising N-acetylcysteine.

17. (Thrice Amended) A composition wherein said composition is a topical composition comprising a retinoid and at least two oxygen-labile species selected from the group consisting of choleciferol, vitamin K, an ascorbic acid, and a tocopherol; and a stabilizer compound comprising N-acetylcysteine.

19. (Twice Amended) A composition wherein said composition is a topical composition comprising therapeutically active amounts of at least one oxygen-labile species selected from the group consisting of a retinoid, choleciferol, vitamin K, an ascorbic acid, and a tocopherol; and a stabilizer compound comprising N-acetylcysteine wherein said oxygen-labile species are a retinoid, a tocopherol and an ascorbic acid.

20. (Twice Amended) A composition comprising therapeutically active amounts of oxygen-labile species selected from the group consisting of retinoids, choleciferol, vitamin K, an ascorbic acid [derivatives], a tocopherol [and tocopherol derivatives] and a mixture thereof; and a stabilizer compound comprising a stabilizing effective amount of N-acetylcysteine wherein said oxygen-labile species are a retinoid and an ascorbic acid.

22. (Thrice Amended) A composition wherein said composition is a topical composition comprising a retinoid in an amount of about 0.01% to about 10% by weight of the composition, a tocopherol in an amount of about 0.01% to about 10% by weight of the composition and an ascorbic acid in an amount of about 0.01% to about 20% by weight of the composition N-acetylcysteine in an amount of about 0.001% to about 5% by weight of the composition.

23. (Thrice Amended) A composition wherein said composition is a topical composition comprising an ascorbic acid in an amount of about 0.01% to about 5% by weight of the composition, a retinoid in the amount of from about 0.01% to about 10% by weight of the composition and N-acetylcysteine in an amount of about 0.001% to about 0.1% by weight of the composition.

24. (Thrice Amended) A composition wherein said composition is a topical composition comprising an ascorbic acid in an amount of about 0.01% to about 5% by weight of the composition, a tocopherol in an amount of about 0.01% to about 1% by weight of the composition and retinol in an amount of about 0.01% to about 0.4% by weight of the composition and N-acetylcysteine in an amount of about 0.01% to about 0.1% by weight of the composition.